IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 1543 of 1999
in
SPECIAL CIVIL APPLICATIONNo 2888 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI
and
Hon'ble MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

STATE OF GUJARAT

Versus

RG PATEL

Appearance:
Ms. Manisha Lavkumar,GOVERNMENT PLEADER for Appellants

CORAM : MR.JUSTICE R.K.ABICHANDANI
and
MR.JUSTICE A.K.TRIVEDI

Date of decision: 14/08/2000

ORAL JUDGEMENT

The learned Counsel for the appellant pointed out that in awarding the sum of Rs.75,000/-towards medical reimbursement for the coronary artery bypass grafting which the respondent has got done at Apollo Hospital,

Madras, the learned Single Judge has awarded Rs.5000/-more since as per the fixed amount of reimbursement prescribed under the resolution dated 26th March, 1999, the reimbursement for bypass surgery could be done only upto Rs.70,000/-. It is also submitted that the learned Single Judge ought not to have awarded cost of Rs.2000/-to the respondent. It is pointed out from the statement made in the Memo of Appeal in ground (c) that a sum of Rs.70,000/- is already paid to the respondent by a cheque dated 29-7-1999. It appears that factum of this payment was not brought to the notice of the learned Single Judge. If the amount is paid obviously that will stand adjusted towards the amount awarded under the impugned order. It appears that the learned Single Judge has given direction to make payment of Rs.75,000/-keeping in view that the Government has powers to grant exgratia difference of actual amount spent. The additional amount of Rs.5000/-appears to have been given having regard to the facts and circumstances of the case for which the Government ought to have given an amount of Rs.5000/-exgratia more than the amount permissible under the resolution. In any event we are not inclined to entertain the challenge against the exgratia payment of Rs.5000/- because issuing notice would entail much larger expenses to the respondent. Since the order is capable of being read in the manner indicated hereinabove, we find no reason to interfere with the same. There is also obviously no ground to interfere with the award of Rs.2000/-towards cost. The appeal is, therefore, summarily dismissed.

((R.K.Abichandani, J.)

(A.K.Trivedi,J.)
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